

Exhibit B

CONFIDENTIAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIN GURSSLIN,

Plaintiff,

Civil Action No. 20-cv-6508

v.

THE CITY OF ROCHESTER, a municipal entity, POLICE
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA
KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON
SPRINGER,

Defendants.

Remote Deposition Upon Oral Examination:

Sergeant Joshua Paul Kelly

Date: February 22, 2023

Time: 10:00 a.m.

Reported By: Jayme C. Wintish

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607



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A P P E A R A N C E S

Appearing Remotely on Behalf of Plaintiff:

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Appearing Remotely on Behalf of Defendants:

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Also Present Remotely:

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109 South Union Street, Suite 400
Rochester, New York 14607

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SERGEANT JOSHUA PAUL KELLY - BY MR. SHIELDS

municipal entity, Police Officer Jeremy Nellist,
Police Officer Joshua Kelly, Commander Fabian Rivera,
Lieutenant Aaron Springer, the Defendants.

In attendance is the court reporter, Jayme
Wintish, of Alliance Court Reporting.

At this time, will counsel please identify
themselves for the record, after which our court
reporter can swear in the witness? We may proceed.

MR. SHIELDS: Elliot Shields, Roth & Roth
LLP, for the plaintiff, Erin Gursslin.

MS. JONES: Peachie Jones for the City of
Rochester for all defendants.

SERGEANT JOSHUA PAUL KELLY,
called herein as a witness, first being sworn,
testified as follows:

EXAMINATION BY MR. SHIELDS:

Q. Good morning, Sergeant. My name is Elliot
Shields. I represent a woman whose dog, Nina, you
shot and killed in front of her in her backyard. And
I'm going to ask you some questions today.

First, I'm just going to go over some
ground rules for the deposition.

Will you tell me if you don't understand
my question?



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1 SERGEANT JOSHUA PAUL KELLY - BY MR. SHIELDS

02:30:40 2 when it comes to entering a residential property or
02:30:44 3 the curtilage to a residential property.

02:30:49 4 Is that the type of thing that you would
02:30:51 5 receive a training on from the department?

02:30:54 6 A. Yes. They would generally do some type of
02:30:58 7 possible legal update.

02:31:00 8 Q. Okay. And how are those legal updates
02:31:03 9 generally disseminated to members?

02:31:06 10 A. Sometimes it's at an in-service.
02:31:11 11 Sometimes it's through a roll call training. And
02:31:17 12 depending upon who your captain is, sometimes captains
02:31:23 13 will send you an email regarding something.

02:31:26 14 Q. Okay. Do you remember any specific cases
02:31:31 15 having to do with entering the curtilage to a
02:31:35 16 residential property that you've received training on
02:31:38 17 during your career?

02:31:39 18 A. Nothing in particular.

02:31:42 19 Q. Okay. And I want to scroll down to
02:31:52 20 question Number 14, which says "Describe all
02:31:58 21 instructions or plans that were in place on the night
02:32:03 22 of the incident for what to do if you encountered any
02:32:08 23 dogs on residential properties." And again, first
02:32:12 24 there were some legal objections asserted. And then
02:32:16 25 it states in the third to the last line of the answer



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